# EXHIBIT 38

PD Doc #: 20-38 Filed: 02/14/23

Missed voice call at 8:05 AM



2:18 PM

**Daniel Rosenthal** 10:58 AM
Agree. I'm not sure if @robert.bateman and I disagree or not - or whether it's material - hard to tell via Slack. Think we're on the same page. It's helpful to see Leah's slacks and I agree with what she wrote there

My main point is I didn't think @Dom's language in the report accurately captured the 6/2 meeting

**Dom Cevasco** 11:07 AM
Thanks for the information, I plan on omitting the June 2nd meeting as a data point since no approval was reached. In June, we realized we were going over budget and made some corrections to the commitments, is that fair?

**Rob Bateman** 11:07 AM
Yes

**BC Silver** 11:13 AM
Completely aligned to whatever you all think is accurate in this process. I left June 2 meeting believing we had increased budget approval, because afterwards I shared that with the marketing organization, and Alex echoed that right afterwards at the marketing on-site meeting.

2:36 PM

We were all in Columbus together that day.

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**Rob Bateman** 11:15 AM
We can all agree the process needs to be tighter and leave it at that!

**BC Silver** 11:17 AM
I thought the debate was between $13-18,

But 1000% Rob, our processes will be much better moving forward.

**Daniel Rosenthal** 11:23 AM
I don't see how you omit the June 2nd meeting from a report like this as it was a pretty critical discussion with five senior business leaders and we all agree that we agreed to incremental spend during that meeting. Agree with @robert.bateman from there that the approval process needs to be tighter. Up to @robert.bateman and @Ben and @Dom how to reflect all of this in the report.

**Dom Cevasco** 11:42 AM
@daniel.rosenthal just to clarify for the report, the incremental spend referenced was on top of the overage already caused by spend

Those are the findings, you guys a part of many flags across company

2:39 PM